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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA, SOUTHERN DIVISION**

JAMES PATRICK VESSELLS,

Plaintiff,

V.

KNIGHT TRANSPORTATION, INC.;
KNIGHT-SWIFT TRANSPORTATION
HOLDINGS, INC.; JOSEPH HAYES; DOES
I through X, inclusive, and ROE
CORPORATIONS I through X, inclusive,

Defendants.

Case No. 2:23-cv-00404-GMN-EJY

**STIPULATION TO EXTEND
DISCOVERY PLAN AND SCHEDULING
ORDER
(FIRST REQUEST)**

Trial Date: None Set

Pursuant to LR 6-1 and LR 26-4, and for good cause shown, the parties, by and through their respective counsel of record hereby stipulate and agree to and jointly move this Honorable Court for an order to continue discovery by ninety (90) days as indicated below. This is the first stipulation for extension of time to complete discovery.

A. DISCOVERY COMPLETED TO DATE

The parties have completed the following disclosures and discovery:

26 1. Defendants Knight Transportation, Inc., Knight-Swift Transportation Holdings, Inc.,
27 and Joseph Hayes (“Defendants”) served their Initial Disclosure of Witnesses and Documents
28 Pursuant to Fed. R. Civ. P. 26(a) on March 30, 2023.

1 2. Defendant Joseph Hayes served his First Set of Requests for Production of
 2 Documents and First Set of Interrogatories to Plaintiff on April 14, 2023.

3 3. Plaintiff served his Initial Fed. R. Civ. P. 26(f) Production of Documents and
 4 Witnesses List on April 24, 2023.

5 4. Defendant Joseph Hayes served his Second Set of Requests for Production of
 6 Documents to Plaintiff on May 3, 2023.

7 5. Plaintiff provided his responses to Defendant Hayes' First Set of Interrogatories,
 8 First Set of Requests for Production, and Second Set of Requests for Production on May 12, 2023.

9 6. On May 18, 2023, Defendants noticed Plaintiff that it would seek documents from
 10 the Custodian(s) of Records for fourteen (14) of Plaintiff identified medical treatment providers via
 11 subpoena duces tecum. Defendants then issued subpoenas for records to be provided on June 19,
 12 2023.

13 **B. DISCOVERY REMAINING TO BE COMPLETED**

14 1. Depositions of parties and/or witnesses;
 15 2. Depositions of person(s) most knowledgeable;
 16 3. Depositions of treating physicians;
 17 4. Expert reports and Rebuttal reports;
 18 5. Expert depositions;
 19 6. Written discovery;
 20 7. Disclosure of additional documents;
 21 8. Subpoena/Obtain additional documents as necessary;
 22 9. The parties also anticipate that they may need to conduct other forms of discovery,
 23 though not specifically delineated herein, and anticipate doing so only on an as-needed basis.

24 **C. REASON FOR REQUEST FOR EXTENSION OF DISCOVERY DEADLINES**

25 A scheduling order can be modified "for good cause and with the judge's consent." Fed. R.
 26 Civ. P. 16(b)(4). "A motion or stipulation to extend time must state the reasons for the extension
 27 requested and must inform the court of all previous extensions of the subject deadline the court
 28 granted." LR AI 6-1 (a). "District courts should generally allow amendments of pre-trial orders when

1 'no substantial injury will be occasioned to the opposing party, the refusal to allow the amendment
 2 might result in injustice to the movant, and the inconvenience to the court is slight.'" *Campbell*
 3 *Industries v. M/V Gemini*, 619 F.2d 24, 27-28 (9th Cir. 1980) (*quoting Angle v. Sky Chef, Inc.*, 535
 4 F.2d 492, 495 (9th Cir. 1976); *Sherman v. United States*, 462 F.2d 577, 579 (5th Cir. 1972)). Here,
 5 as discussed below, there is no dispute among the parties that an extension would cause any injury
 6 or injustice, and that a refusal of extension could prejudice the parties. Additionally, although there
 7 may be some inconvenience to the Court, no trial date is currently set and discovery is already
 8 ongoing. Therefore, the stipulated request for a modest extension should be granted.

9 In addition to the discovery that has already taken place as set forth above, the parties have
 10 diligently worked to continue to conduct discovery in an effort to complete the same and prepare
 11 for trial. Plaintiff has identified numerous treatment providers and indicated extensive treatment in
 12 the year prior to the accident, including a lengthy hospitalization stay. As such, the medical records
 13 sought in discovery in this matter are expected to be voluminous and Defendants require additional
 14 time to obtain and review the same, as well as seek the assistance of appropriate medical experts.

15 In sum, the parties have diligently conducted discovery and are continuing to work
 16 cooperatively to complete the remaining discovery in order to prepare for trial. Good cause exists
 17 for modification of the current scheduling order to avoid prejudice to the parties.

18 **D. CURRENT SCHEDULE TO COMPLETE REMAINING DISCOVERY:**

19	Initial Experts	July 13, 2023
20	Rebuttals	August 14, 2023
21	Discovery Cutoff	September 11, 2023
22	Dispositive Motions	October 11, 2023
23	Joint Pre-Trial Order	November 10, 2023

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1 **E. PROPOSED SCHEDULE FOR COMPLETING DISCOVERY**

2 Initial Experts	October 11, 2023
3 Rebuttals	November 10, 2023
4 Discovery Cutoff	December 11, 2023
5 Dispositive Motions	January 10, 2024
6 Joint Pre-Trial Order	February 9, 2024

7 **F. CURRENT TRIAL DATE:**

8 No trial is yet scheduled in this matter. A joint proposed pretrial order is due on November
 9 10, 2023, or 30 days following this Court's ruling on any dispositive motions, if filed. The parties
 10 seek additional time so that the same proposed pretrial order is due February 9, 2024 or 30 days
 11 after this Court's ruling on dispositive motions.

12 **G. REQUEST NUMBER:**

13 This is the **first** request for an extension of time to complete discovery.

14 Wherefore, the parties respectfully request that the Court grant this request to extend the
 15 discovery deadlines as outlined above.

16 **IT IS SO AGREED.**

17 DATED this 15th day of June, 2023.

18 DATED this 15th day of June, 2023.

19 WOOD, SMITH, HENNING & BERMAN LLP

20 GOLIGHTLY & VANNAH, PLLC

21 By: */s/Kyle J. Hoyt*

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37 *Transportation, Inc., Knight-Swift*

38 *Transportation Holdings, Inc., and Joseph*

39 *Hayes*

1 ORDER
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3 IT IS SO ORDERED this 15th day of June, 2023.
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UNITED STATES MAGISTRATE JUDGE

SUBMITTED BY:

WOOD, SMITH, HENNING & BERMAN LLP

/s/*Kyle J. Hoyt*

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